

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Michelle P.,

Plaintiff,

Case No. 22-cv-11704

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge David R. Grand

Defendant.

_____/

**ORDER ADOPTING REPORT AND RECOMMENDATION [19],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT [14], AND DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [16]**

This is a Social Security appeal. On July 31, 2023, Magistrate Judge David R. Grand issued a report and recommendation ("R&R") (ECF No. 19) recommending the Court grant Plaintiff's motion for summary judgment (ECF No. 14) and deny Defendant's motion for summary judgment (ECF No. 16). The parties were required to file specific written objections to the report and recommendation within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The court has nevertheless thoroughly reviewed

the report and recommendation and concurs in the reasoning and result. Accordingly,

The report and recommendation (ECF No. 19) is ADOPTED;¹

Plaintiff's motion for summary judgment (ECF No. 14) is GRANTED;

Defendant's motion for summary judgment (ECF No. 16) is DENIED; and

The findings of the Commissioner are REVERSED AND REMANDED for proceedings consistent with the report and recommendation.²

IT IS SO ORDERED.

Dated: August 16, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

¹ The Court finds the R&R to be thorough and well-reasoned, and it agrees entirely with the R&R's conclusion. However, there is one small (but potentially confusing) typographical error on PageID.827 of the R&R. Based on the Court's review of the transcript, the last sentence of the first full paragraph on that page should read: "Thus, the ALJ concluded that Plaintiff was **not** disabled under the Act. (PageID.61)." (*Id.* at PageID.827 (emphasis added).) The R&R is adopted in full with this minor correction.

² By failing to object to the Report and Recommendation, the parties have waived any further right of appeal. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 16, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager